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AAPD 16-01-B Special Provision for Assistance Awards with Performance in Syria (Operation Inherent Resolve) is archived in its entirety. The Director of M/OAA has made a policy determination that the Agency will only apply this data collection requirement to acquisition as required by statute. AAPD 16-01A remains active.



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Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance

Issued: February 11, 2016

AAPD 16-01-B

Special Provision for Assistance Awards with Performance in Syria (Operation Inherent Resolve)

Subject Category: Assistance
Type: POLICY

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are EFFECTIVE AS OF THE ISSUED DATE unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: Is New Replaces/ Amends CIB/AAPD

Applicable to:

- Existing awards; Modification required
 No later than
 As noted in guidance below*
 RFAs issued on or after the effective date of this AAPD;;
 Other

Precedes change to:

- AIDAR Part(s) Appendix
 USAID Automated Directives System (ADS) Chapter –
Code of Federal Regulations
 Federal Acquisition Regulations
 No change to regulations

New Provision/Clause Provided Herein: If checked, scheduled update to GLAAS: NLT February 29, 2016

/s/
Mark Walther

1. **PURPOSE:** This AAPD provides a special provision for use in notices of funding opportunities and assistance awards (grants/cooperative agreements) with performance in Syria.

Required Action: Agreement Officers (AOs) must insert the attached special provision in accordance with the Guidance in Section 3 in solicitations and awards, including existing awards, with performance in Syria.

2. **BACKGROUND:**

On September 14, 2014, the Secretary of Defense designated operations in Syria and Iraq as a contingency operation as defined at Title 10 USC 101(a)(13), to conduct targeted operations against the Islamic State of Iraq and the Levant (ISIL) terrorists. Such efforts have been referred to as “Operation Inherent Resolve”.

USAID is required to comply with Sec. 844 of the FY2013 National Defense Authorization Act (NDAA) regarding data collection on contracts supporting contingency operations outside the U.S. that involve combat operations. In AAPD 16-01-A, USAID determined that the use of SPOT was the most beneficial way to comply with the requirements of the FAR and Section 844. In order to maintain operational consistency and provide a complete picture of USAID-funded activities in Syria, the Assistance Executive has determined that recipients of assistance awards must also report similar data. As is the case for contracts, SPOT will be used to meet two of section 844’s requirements for Assistance awards too, as further discussed below.

Section 844 requires USAID to have the capability to collect and report on eight specific data elements; USAID’s current policies and procedures are to use its award writing system, GLAAS, to collect and report on five of the required data elements that are related to the number, value, and competition of awards. When the applicable Paperwork Reduction Act requirements are met, Recipients will be required to directly report to USAID the sixth data element -- the number of grantee or recipient personnel killed or wounded during performance. USAID has determined that the most efficient and effective method of obtaining the remaining two data elements, is to utilize the Department of Defense’s Synchronized Predeployment and Operational Tracker (SPOT)¹. SPOT serves as an effective tool for the Agency to collect and report on these two specific data elements which are not collected by the Agency’s standard data systems.

These two data elements required for awards in support of Operation Inherent Resolve are:

1. The total number of personnel working under awards in support of contingency operations outside the United States that involve combat operations at any given point in time.

¹ In compliance with statute, the Secretary of State, the Secretary of Defense, and the Administrator of the United States Agency for international Development (USAID) previously entered into a memorandum of understanding (MOU) related to contracting in Iraq and Afghanistan, agreeing that DoD’s synchronized Pre-Deployment and Operational Tracker (SPOT) database will be the system of record and repository for the contract and contractor personnel information, required by Section 861. (Recipient personnel were added later by statute.) See AAPDs 09-01 and 10-04 for further information on the MOU.

2. The total number of personnel performing security functions under such awards at any given point in time.

USAID has confirmed with DoD that it will continue the use of the SPOT database to meet NDAA requirements as they relate to contracts, and also assistance awards, with performance in Syria.

With respect to the above data elements for reporting of contractor personnel, the NDAA requires only aggregate data, not the collection of personally identifiable information. Accordingly, this AAPD and the special provision extend reporting requirements to assistance recipients' personnel, on an aggregate basis only. However, to the extent that private security contractors (PSCs) are required as described in the special provision, reporting will be required on an individual basis.

3. GUIDANCE:

- i. AOs must include the special provision as prescribed in Attachment A in all notices of funding opportunity and resulting assistance awards when they involve performance in Syria.
- ii. AOs must immediately amend any existing assistance awards involving performance in Syria that do not already include this provision.

4. POINTS OF CONTACT:

AOs may direct their questions about this AAPD to Carol Ketrick, M/OAA/P, at telephone (202) 567-4676, e-mail:cketrick@usaid.gov, and questions on SPOT to George Higginbotham, at telephone 202-712-1948, e-mail ghigginbotham@usaid.gov.

Prospective awardees/applicants for awards must direct their questions to the cognizant AO for the award.

ATTACHMENT:

A. Assistance Special Provision for Program Activities in Syria-

Use of Synchronized Predeployment and Operational Tracker (SPOT) for Recipients Supporting a Diplomatic or Consular Mission Outside the United States (FEB 2016)

ATTACHMENT A – ASSISTANCE SPECIAL PROVISION FOR PROGRAM ACTIVITIES IN SYRIA

Agreement Officers (AOs) must insert the following special provision after the Required As Applicable section of Standard Provisions in all assistance solicitations and awards when the recipient will be carrying out activities or programs in Syria. AOs must amend existing awards carrying out activities or programs in Syria to include this provision as soon as practicable.

SPECIAL PROVISION FOR PERFORMANCE IN SYRIA Synchronized Pre-deployment and Operational Tracker (SPOT) (FEB 2016)

The Recipient must report aggregate totals of all recipient personnel deploying to Syria in the Department of Defense-maintained Synchronized Pre- deployment and Operational Tracker (SPOT) system. Recipients must report the aggregate totals of those personnel in SPOT before deploying any personnel (employees or consultants) to Syria. If individuals are already in the operational area of Syria (Operation Inherent Resolve), the recipient must include the individual in the aggregate totals entered into SPOT upon his or her becoming an employee or consultant under this award. In the case of agreements which are amended to include this special provision, the recipient must enter the correct aggregate total of personnel SPOT as soon as practicable. The recipient must maintain current aggregate totals on all personnel and consultants in SPOT.

Recipient performance may require the use of armed private security personnel. Under this award, the private security contractors (PSCs) includes any personnel providing protection of the personnel, facilities, or property of a recipient or subrecipient at any level, or performing any other activity for which personnel are required to carry weapons in the performance of their duties. To the extent that such private security contractors (PSCs) are required, recipients must ensure they adhere to Chief of Mission (COM) policies and procedures regarding the operation, oversight, and accountability of PSCs, as available. PSCs must be individually registered in SPOT.

Information on how to register aggregate personnel tallies in SPOT is available from the Agreement Officer (AO) or Agreement Officer's Representative (AOR). SPOT registration and additional information related to SPOT assistance is available at <https://spot.dmdc.mil> and <http://www.acq.osd.mil/log/PS/spot.html>

Adherence to these policies and procedures is a material requirement of this grant/cooperative agreement. The recipient must include this special provision in all sub-awards and contracts at any tier under this grant/cooperative agreement.

[END OF PROVISION]